

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JANE ROE 1 AND JANE ROE 2 on behalf of
themselves and on behalf of other similarly
situated individuals, and DREAMGIRLS AT
FOX'S LLC, a Washington Limited Liability
Corporation

Plaintiffs,

vs.

JULIE ANDERSON, Pierce County Auditor,
PIERCE COUNTY, a county in the State of
Washington, and DAVID VAN VLEET

Defendants.

Cause No. 3:14 -cv-5810 RBL

**SUPPLEMENTAL
DECLARATION OF GILBERT
H. LEVY IN SUPPORT OF
MOTION FOR A TEMPORARY
RESTRAINING ORDER AND
ORDER TO SHOW CAUSE**

Gilbert H. Levy declares and certifies as follows:

1. I am the attorney for the Plaintiffs above named and have knowledge of the facts set forth herein.

2. Attached hereto and incorporated by reference herein are the true and correct copies of the following sections of the Revised Code of Washington relating to exemptions under the Washington Public Records Act:

DECLARATION OF GILBERT H. LEVY
IN SUPPORT OF MOTION FOR A
TEMPORARY RESTRAINING ORDER
AND ORDER TO SHOW CAUSE - 1

RCW 42.46.230 – Personal Information
 RCW 42.56.240 – Investigative, Law Enforcement and Crime Victims
 RCW 42.56.250 – Employment and Licensing Information
 RCW 42.56.260 – Real Estate Appraisals
 RCW 42.56.270 – Financial, Commercial and Proprietary Information
 RCW 42.56.280 – Preliminary drafts, notes, recommendations, intra-agency memorandums
 RCW 42.56.300 – Archeological sites
 RCW 42.46.310 – Library Records
 RCW 42.56.320 – Educational Information
 RCW 42.56.330 – Public Utilities and Transportation
 RCW 42.56.335 – Public Utility Districts and Municipally Owned Electrical Utilities
 RCW 42.56.340 – Timeshare Condominium Owner Lists
 RCW 42.56.350 – Health Professionals
 RCW 42.56.360 – Health Care
 RCW 42.56.370 – Client Records of Domestic Violence Programs
 RCW 42.56.380 – Agricultural and Livestock
 RCW 42.56.390 – Emergency and Transitional Housing
 RCW 42.56.400 – Insurance and Financial Institutions
 RCW 42.56.403 – Property and Casualty Insurance Statements
 RCW 42.56.410 – Employment Security Department Records
 RCW 42.56.420 – Security
 RCW 42.56.430 – Fish and Wildlife
 RCW 42.56.440 – Veterans' Discharge Papers
 RCW 42.56.450 – Check Cashiers and Sellers License Applications
 RCW 42.56.460 – Fireworks
 RCW 42.56.470 – Correctional Industries Workers
 RCW 42.56.480 – Inactive Programs
 RCW 42.56.565 – Inspection by Persons Serving Criminal Sentences
 RCW 42.56.600 – Mediation Communications
 RCW 42.56.615 – Enumeration Data Used by Office of Financial Management

I hereby declare under penalty of perjury of the laws of the United States of America that the foregoing is true and correct.

Dated this 14th day of October, 2014.

/s/ Gilbert H. Levy
 Gilbert H. Levy

DECLARATION OF GILBERT H. LEVY
 IN SUPPORT OF MOTION FOR A
 TEMPORARY RESTRAINING ORDER
 AND ORDER TO SHOW CAUSE - 2

CERTIFICATE OF SERVICE

I certify that on October 14, 2014, I caused to be electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the attorney(s) of record.

I further certified that on this date I caused a copy of the foregoing to be delivered to Defendant David Van Vleet by mailing the same to him by United States Mail, postage pre-paid at the following address: Post Office Box 2277, Auburn WA 98071-2277.

/s/Gilbert H. Levy
Gilbert H. Levy WSBA# 4805
Attorney for Plaintiffs

DECLARATION OF GILBERT H. LEVY
IN SUPPORT OF MOTION FOR A
TEMPORARY RESTRAINING ORDER
AND ORDER TO SHOW CAUSE - 3

42.56.230. Personal information, WA ST 42.56.230

West's Revised Code of Washington Annotated Title 42. Public Officers and Agencies (Refs & Annos) Chapter 42.56. Public Records Act (Refs & Annos)
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West's RCWA 42.56.230

42.56.230. Personal information

Effective: June 12, 2014
Currentness

The following personal information is exempt from public inspection and copying under this chapter:

- (1) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients;
- (2)(a) Personal information:
 - (i) For a child enrolled in licensed child care in any files maintained by the department of early learning; or
 - (ii) For a child enrolled in a public or nonprofit program serving or pertaining to children, adolescents, or students, including but not limited to early learning or child care services, parks and recreation programs, youth development programs, and after-school programs.
- (b) Emergency contact information under this subsection (2) may be provided to appropriate authorities and medical personnel for the purpose of treating the individual during an emergency situation;
- (3) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy;
- (4) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would: (a) Be prohibited to such persons by RCW 84.08.210, 82.32.330, 84.40.020, 84.40.340, or any ordinance authorized under RCW 35.102.145; or (b) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer;
- (5) Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial account numbers, except when disclosure is expressly required by or governed by other law;
- (6) Personal and financial information related to a small loan or any system of authorizing a small loan in RCW 31.45.093;

42.56.230. Personal information, WA ST 42.56.230

(7)(a) Any record used to prove identity, age, residential address, social security number, or other personal information required to apply for a driver's license or identicard.

(b) Information provided under RCW 46.20.111 that indicates that an applicant declined to register with the selective service system.

(c) Any record pertaining to a vehicle license plate, driver's license, or identicard issued under RCW 46.08.066 that, alone or in combination with any other records, may reveal the identity of an individual, or reveal that an individual is or was, performing an undercover or covert law enforcement, confidential public health work, public assistance fraud, or child support investigative activity. This exemption does not prevent the release of the total number of vehicle license plates, drivers' licenses, or identicards that, under RCW 46.08.066, an agency or department has applied for, been issued, denied, returned, destroyed, lost, and reported for misuse.

(d) Any record pertaining to a vessel registration issued under RCW 88.02.330 that, alone or in combination with any other records, may reveal the identity of an individual, or reveal that an individual is or was, performing an undercover or covert law enforcement activity. This exemption does not prevent the release of the total number of vessel registrations that, under RCW 88.02.330, an agency or department has applied for, been issued, denied, returned, destroyed, lost, and reported for misuse; and

(8) All information related to individual claims resolution structured settlement agreements submitted to the board of industrial insurance appeals under RCW 51.04.063, other than final orders from the board of industrial insurance appeals.

Upon request by the legislature, the department of licensing shall provide a report to the legislature containing all of the information in subsection (7)(c) and (d) of this section that is subject to public disclosure.

Credits

[2014 c 142 § 1, eff. June 12, 2014. Prior: 2013 c 336 § 3, eff. July 28, 2013; 2013 c 220 § 1, eff. July 28, 2013; prior: 2011 c 350 § 2, eff. Jan. 1, 2012; 2011 c 173 § 1, eff. July 22, 2011; 2010 c 106 § 102, eff. July 1, 2010; 2009 c 510 § 8, eff. Jan. 1, 2010; 2008 c 200 § 5, eff. June 12, 2008; 2005 c 274 § 403, eff. July 1, 2006.]

Notes of Decisions (72)

West's RCWA 42.56.230, WA ST 42.56.230

Current with all 2014 Legislation

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42.56.240. Investigative, law enforcement, and crime victims, WA ST 42.56.240

West's Revised Code of Washington Annotated
Title 42. Public Officers and Agencies (Refs & Annos)
Chapter 42.56. Public Records Act (Refs & Annos)

West's RCWA 42.56.240

42.56.240. Investigative, law enforcement, and crime victims

Effective: July 28, 2013
Currentness

The following investigative, law enforcement, and crime victim information is exempt from public inspection and copying under this chapter:

- (1) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy;
- (2) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim, or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath;
- (3) Any records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenses contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020, which have been transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval pursuant to RCW 40.14.070(2)(b);
- (4) License applications under RCW 9.41.070; copies of license applications or information on the applications may be released to law enforcement or corrections agencies;
- (5) Information revealing the identity of child victims of sexual assault who are under age eighteen. Identifying information means the child victim's name, address, location, photograph, and in cases in which the child victim is a relative or stepchild of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator;
- (6) The statewide gang database referenced in RCW 43.43.762;
- (7) Data from the electronic sales tracking system established in RCW 69.43.165;

42.56.240. Investigative, law enforcement, and crime victims, WA ST 42.56.240

(8) Information submitted to the statewide unified sex offender notification and registration program under RCW 36.28A.040(6) by a person for the purpose of receiving notification regarding a registered sex offender, including the person's name, residential address, and e-mail address;

(9) Personally identifying information collected by law enforcement agencies pursuant to local security alarm system programs and vacation crime watch programs. Nothing in this subsection shall be interpreted so as to prohibit the legal owner of a residence or business from accessing information regarding his or her residence or business; and

(10) The felony firearm offense conviction database of felony firearm offenders established in RCW 43.43.822; and

(11) The identity of a state employee or officer who has in good faith filed a complaint with an ethics board, as provided in RCW 42.52.410, or who has in good faith reported improper governmental action, as defined in RCW 42.40.020, to the auditor or other public official, as defined in RCW 42.40.020; and

(12) The following security threat group information collected and maintained by the department of corrections pursuant to RCW 72.09.745: (a) Information that could lead to the identification of a person's security threat group status, affiliation, or activities; (b) information that reveals specific security threats associated with the operation and activities of security threat groups; and (c) information that identifies the number of security threat group members, affiliates, or associates.

Credits

[2013 c 315 § 2, eff. July 28, 2013; 2013 c 190 § 7, eff. July 28, 2013; 2013 c 183 § 1, eff. July 28, 2013; 2012 c 88 § 1, eff. June 7, 2012. Prior: 2010 c 266 § 2, eff. June 10, 2010; 2010 c 182 § 5, eff. June 10, 2010; 2008 c 276 § 202, eff. June 12, 2008; 2005 c 274 § 404, eff. July 1, 2006.]

Notes of Decisions (86)

West's RCWA 42.56.240, WA ST 42.56.240
Current with all 2014 Legislation

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42.56.250. Employment and licensing, WA ST 42.56.250

West's Revised Code of Washington Annotated
Title 42. Public Officers and Agencies (Refs & Annos)
Chapter 42.56. Public Records Act (Refs & Annos)

West's RCWA 42.56.250

42.56.250. Employment and licensing

Effective: June 12, 2014
Currentness

The following employment and licensing information is exempt from public inspection and copying under this chapter:

- (1) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination;
- (2) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant;
- (3) The following information held by any public agency in personnel records, public employment related records, volunteer rosters, or included in any mailing list of employees or volunteers of any public agency: Residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, social security numbers, driver's license numbers, identicard numbers, and emergency contact information of employees or volunteers of a public agency, and the names, dates of birth, residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, social security numbers, and emergency contact information of dependents of employees or volunteers of a public agency. For purposes of this subsection, "employees" includes independent provider home care workers as defined in RCW 74.39A.240;
- (4) Information that identifies a person who, while an agency employee: (a) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (b) requests his or her identity or any identifying information not be disclosed;
- (5) Investigative records compiled by an employing agency conducting an active and ongoing investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment;
- (6) Criminal history records checks for board staff finalist candidates conducted pursuant to RCW 43.33A.025;
- (7) Except as provided in *RCW 47.64.220, salary and benefit information for maritime employees collected from private employers under *RCW 47.64.220(1) and described in *RCW 47.64.220(2); and
- (8) Photographs and month and year of birth in the personnel files of employees and workers of criminal justice agencies as defined in RCW 10.97.030. The news media, as defined in RCW 5.68.010(5), shall have access to the photographs and full

42.56.250. Employment and licensing, WA ST 42.56.250

date of birth. For the purposes of this subsection, news media does not include any person or organization of persons in the custody of a criminal justice agency as defined in RCW 10.97.030.

Credits

[2014 c 106 § 1, eff. June 12, 2014. Prior: 2010 c 257 § 1, eff. June 10, 2010; 2010 c 128 § 9, eff. June 10, 2010; 2006 c 209 § 6, eff. July 1, 2006; 2005 c 274 § 405, eff. July 1, 2006.]

Notes of Decisions (1)

West's RCWA 42.56.250, WA ST 42.56.250

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42.56.260. Real estate appraisals, WA ST 42.56.260

West's Revised Code of Washington Annotated Title 42. Public Officers and Agencies (Refs & Annos) Chapter 42.56. Public Records Act (Refs & Annos)
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West's RCWA 42.56.260

42.56.260. Real estate appraisals

Effective: July 1, 2006

Currentness

Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, are exempt from disclosure under this chapter. In no event may disclosure be denied for more than three years after the appraisal.

Credits

[2005 c 274 § 406, eff. July 1, 2006.]

Notes of Decisions (1)

West's RCWA 42.56.260, WA ST 42.56.260

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42.56.270. Financial, commercial, and proprietary information, WA ST 42.56.270

West's Revised Code of Washington Annotated Title 42. Public Officers and Agencies (Refs & Annos) Chapter 42.56. Public Records Act (Refs & Annos)
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West's RCWA 42.56.270

42.56.270. Financial, commercial, and proprietary information

Effective: June 12, 2014
Currentness

The following financial, commercial, and proprietary information is exempt from disclosure under this chapter:

- (1) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss;
- (2) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070;
- (3) Financial and commercial information and records supplied by private persons pertaining to export services provided under chapters 43.163 and 53.31 RCW, and by persons pertaining to export projects under RCW 43.23.035;
- (4) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.325, 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency;
- (5) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW;
- (6) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information;
- (7) Financial and valuable trade information under RCW 51.36.120;
- (8) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW;
- (9) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010;

42.56.270. Financial, commercial, and proprietary information, WA ST 42.56.270

(10)(a) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a horse racing license submitted pursuant to RCW 67.16.260(1)(b), marijuana producer, processor, or retailer license, liquor license, gambling license, or lottery retail license;

(b) Internal control documents, independent auditors' reports and financial statements, and supporting documents: (i) Of house-banked social card game licensees required by the gambling commission pursuant to rules adopted under chapter 9.46 RCW; or (ii) submitted by tribes with an approved tribal/state compact for class III gaming;

(11) Proprietary data, trade secrets, or other information that relates to: (a) A vendor's unique methods of conducting business; (b) data unique to the product or services of the vendor; or (c) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011;

(12)(a) When supplied to and in the records of the department of commerce:

(i) Financial and proprietary information collected from any person and provided to the department of commerce pursuant to RCW 43.330.050(8); and

(ii) Financial or proprietary information collected from any person and provided to the department of commerce or the office of the governor in connection with the siting, recruitment, expansion, retention, or relocation of that person's business and until a siting decision is made, identifying information of any person supplying information under this subsection and the locations being considered for siting, relocation, or expansion of a business;

(b) When developed by the department of commerce based on information as described in (a)(i) of this subsection, any work product is not exempt from disclosure;

(c) For the purposes of this subsection, "siting decision" means the decision to acquire or not to acquire a site;

(d) If there is no written contact for a period of sixty days to the department of commerce from a person connected with siting, recruitment, expansion, retention, or relocation of that person's business, information described in (a)(ii) of this subsection will be available to the public under this chapter;

(13) Financial and proprietary information submitted to or obtained by the department of ecology or the authority created under chapter 70.95N RCW to implement chapter 70.95N RCW;

(14) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the life sciences discovery fund authority in applications for, or delivery of, grants under chapter 43.350 RCW, to the extent that such information, if revealed, would reasonably be expected to result in private loss to the providers of this information;

42.56.270. Financial, commercial, and proprietary information, WA ST 42.56.270

(15) Financial and commercial information provided as evidence to the department of licensing as required by RCW 19.112.110 or 19.112.120, except information disclosed in aggregate form that does not permit the identification of information related to individual fuel licensees;

(16) Any production records, mineral assessments, and trade secrets submitted by a permit holder, mine operator, or landowner to the department of natural resources under RCW 78.44.085;

(17)(a) Farm plans developed by conservation districts, unless permission to release the farm plan is granted by the landowner or operator who requested the plan, or the farm plan is used for the application or issuance of a permit;

(b) Farm plans developed under chapter 90.48 RCW and not under the federal clean water act, 33 U.S.C. Sec. 1251 et seq., are subject to RCW 42.56.610 and 90.64.190;

(18) Financial, commercial, operations, and technical and research information and data submitted to or obtained by a health sciences and services authority in applications for, or delivery of, grants under RCW 35.104.010 through 35.104.060, to the extent that such information, if revealed, would reasonably be expected to result in private loss to providers of this information;

(19) Information gathered under chapter 19.85 RCW or RCW 34.05.328 that can be identified to a particular business;

(20) Financial and commercial information submitted to or obtained by the University of Washington, other than information the university is required to disclose under RCW 28B.20.150, when the information relates to investments in private funds, to the extent that such information, if revealed, would reasonably be expected to result in loss to the University of Washington consolidated endowment fund or to result in private loss to the providers of this information; and

(21) Market share data submitted by a manufacturer under RCW 70.95N.190(4); and

(22) Financial information supplied to the department of financial institutions or to a portal under RCW 21.20.883, when filed by or on behalf of an issuer of securities for the purpose of obtaining the exemption from state securities registration for small securities offerings provided under RCW 21.20.880 or when filed by or on behalf of an investor for the purpose of purchasing such securities.

Credits

[2014 c 192 § 6, eff. June 12, 2014; 2014 c 174 § 5, eff. June 12, 2014; 2014 c 144 § 6, eff. June 12, 2014; 2013 c 305 § 14, eff. Jan. 1, 2014; 2011 1st sp.s. c 14 § 15, eff. Aug. 1, 2011; 2009 c 394 § 3, eff. July 26, 2009; 2008 c 306 § 1, eff. June 30, 2008. Prior: 2007 c 470 § 2, eff. June 30, 2008; (2007 c 470 § 1 expired June 30, 2008); 2007 c 251 § 13, eff. June 30, 2008; (2007 c 251 § 12 expired June 30, 2008); 2007 c 197 § 4, eff. June 30, 2008; (2007 c 197 § 3 expired June 30, 2008); prior: 2006 c 369 § 2, eff. July 1, 2006; 2006 c 341 § 6, eff. July 1, 2006; 2006 c 338 § 5, eff. July 1, 2006; 2006 c 302 § 12, eff. July 1, 2006; 2006 c 209 § 7, eff. July 1, 2006; 2006 c 183 § 37, eff. July 1, 2006; 2006 c 171 § 8, eff. July 1, 2006; 2005 c 274 § 407, eff. July 1, 2006.]

Notes of Decisions (10)

42.56.280. Preliminary drafts, notes, recommendations,...., WA ST 42.56.280

West's Revised Code of Washington Annotated Title 42. Public Officers and Agencies (Refs & Annos) Chapter 42.56. Public Records Act (Refs & Annos)
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West's RCWA 42.56.280

42.56.280. Preliminary drafts, notes, recommendations, intra-agency memorandums

Effective: July 1, 2006

Currentness

Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended are exempt under this chapter, except that a specific record is not exempt when publicly cited by an agency in connection with any agency action.

Credits

[2005 c 274 § 408, eff. July 1, 2006.]

Notes of Decisions (10)

West's RCWA 42.56.280, WA ST 42.56.280

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42.56.300. Archaeological sites, WA ST 42.56.300

West's Revised Code of Washington Annotated Title 42. Public Officers and Agencies (Refs & Annos) Chapter 42.56. Public Records Act (Refs & Annos)
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West's RCWA 42.56.300

42.56.300. Archaeological sites

Effective: June 12, 2014

Currentness

(1) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites are exempt from disclosure under this chapter.

(2) Records, maps, and other information, acquired during watershed analysis pursuant to the forests and fish report under RCW 76.09.370, that identify the location of archaeological sites, historic sites, artifacts, or the sites of traditional religious, ceremonial, or social uses and activities of affected Indian tribes, are exempt from disclosure under this chapter in order to prevent the looting or depredation of such sites.

(3) Any site form, report, specific fields and tables relating to site form data within a database, or geographic information systems spatial layer obtained by any state agency or local government, or shared between any state agency, local government, or tribal government, is exempt from disclosure under this chapter, if the material is related to:

(a) An archaeological site as defined in RCW 27.53.030;

(b) Historical [Historic] archaeological resources as defined in RCW 27.53.030; or

(c) Traditional cultural places.

(4) The local government or agency shall respond to requests from the owner of the real property for public records exempt under subsection (1), (2), or (3) of this section by providing information to the requestor on how to contact the department of archaeology and historic preservation to obtain available locality information on archaeological and cultural resources.

Credits

[2014 c 165 § 1, eff. June 12, 2014; 2006 c 86 § 1, eff. July 1, 2006; 2005 c 274 § 410, eff. July 1, 2006.]

West's RCWA 42.56.300, WA ST 42.56.300

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42.56.310. Library records, WA ST 42.56.310

West's Revised Code of Washington Annotated Title 42. Public Officers and Agencies (Refs & Annos) Chapter 42.56. Public Records Act (Refs & Annos)
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West's RCWA 42.56.310

42.56.310. Library records

Effective: July 1, 2006

Currentness

Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, that discloses or could be used to disclose the identity of a library user is exempt from disclosure under this chapter.

Credits

[2005 c 274 § 411, eff. July 1, 2006.]

West's RCWA 42.56.310, WA ST 42.56.310

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42.56.320. Educational information, WA ST 42.56.320

West's Revised Code of Washington Annotated Title 42. Public Officers and Agencies (Refs & Annos) Chapter 42.56. Public Records Act (Refs & Annos)
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West's RCWA 42.56.320

42.56.320. Educational information

Effective: July 26, 2009

Currentness

The following educational information is exempt from disclosure under this chapter:

- (1) Financial disclosures filed by private vocational schools under chapters 28B.85 and 28C.10 RCW;
- (2) Financial and commercial information supplied by or on behalf of a person, firm, corporation, or entity under chapter 28B.95 RCW relating to the purchase or sale of tuition units and contracts for the purchase of multiple tuition units;
- (3) Individually identifiable information received by the workforce training and education coordinating board for research or evaluation purposes;
- (4) Except for public records as defined in RCW 40.14.010, any records or documents obtained by a state college, university, library, or archive through or concerning any gift, grant, conveyance, bequest, or devise, the terms of which restrict or regulate public access to those records or documents; and
- (5) The annual declaration of intent filed by parents under RCW 28A.200.010 for a child to receive home-based instruction.

Credits

[2009 c 191 § 1, eff. July 26, 2009; 2005 c 274 § 412, eff. July 1, 2006.]

West's RCWA 42.56.320, WA ST 42.56.320

Current with all 2014 Legislation

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42.56.330. Public utilities and transportation, WA ST 42.56.330

West's Revised Code of Washington Annotated Title 42. Public Officers and Agencies (Refs & Annos) Chapter 42.56. Public Records Act (Refs & Annos)
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West's RCWA 42.56.330

42.56.330. Public utilities and transportation

Effective: June 12, 2014

Currentness

The following information relating to public utilities and transportation is exempt from disclosure under this chapter:

- (1) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 or 81.77.210 that a court has determined are confidential under RCW 80.04.095 or 81.77.210;
- (2) The addresses, telephone numbers, electronic contact information, and customer-specific utility usage and billing information in increments less than a billing cycle of the customers of a public utility contained in the records or lists held by the public utility of which they are customers, except that this information may be released to the division of child support or the agency or firm providing child support enforcement for another state under Title IV-D of the federal social security act, for the establishment, enforcement, or modification of a support order;
- (3) The names, residential addresses, residential telephone numbers, and other individually identifiable records held by an agency in relation to a vanpool, carpool, or other ride-sharing program or service; however, these records may be disclosed to other persons who apply for ride-matching services and who need that information in order to identify potential riders or drivers with whom to share rides;
- (4) The personally identifying information of current or former participants or applicants in a paratransit or other transit service operated for the benefit of persons with disabilities or elderly persons;
- (5) The personally identifying information of persons who acquire and use transit passes or other fare payment media including, but not limited to, stored value smart cards and magnetic strip cards, except that an agency may disclose personally identifying information to a person, employer, educational institution, or other entity that is responsible, in whole or in part, for payment of the cost of acquiring or using a transit pass or other fare payment media for the purpose of preventing fraud, or to the news media when reporting on public transportation or public safety. As used in this subsection, "personally identifying information" includes acquisition or use information pertaining to a specific, individual transit pass or fare payment media.
 - (a) Information regarding the acquisition or use of transit passes or fare payment media may be disclosed in aggregate form if the data does not contain any personally identifying information.
 - (b) Personally identifying information may be released to law enforcement agencies if the request is accompanied by a court order;

42.56.330. Public utilities and transportation, WA ST 42.56.330

(6) Any information obtained by governmental agencies that is collected by the use of a motor carrier intelligent transportation system or any comparable information equipment attached to a truck, tractor, or trailer; however, the information may be given to other governmental agencies or the owners of the truck, tractor, or trailer from which the information is obtained. As used in this subsection, "motor carrier" has the same definition as provided in RCW 81.80.010;

(7) The personally identifying information of persons who acquire and use transponders or other technology to facilitate payment of tolls. This information may be disclosed in aggregate form as long as the data does not contain any personally identifying information. For these purposes aggregate data may include the census tract of the account holder as long as any individual personally identifying information is not released. Personally identifying information may be released to law enforcement agencies only for toll enforcement purposes. Personally identifying information may be released to law enforcement agencies for other purposes only if the request is accompanied by a court order; and

(8) The personally identifying information of persons who acquire and use a driver's license or identicard that includes a radio frequency identification chip or similar technology to facilitate border crossing. This information may be disclosed in aggregate form as long as the data does not contain any personally identifying information. Personally identifying information may be released to law enforcement agencies only for United States customs and border protection enforcement purposes. Personally identifying information may be released to law enforcement agencies for other purposes only if the request is accompanied by a court order.

Credits

[2014 c 170 § 2, eff. June 12, 2014; 2014 c 33 § 1, eff. June 12, 2014; 2012 c 68 § 4, eff. June 7, 2012; 2010 c 128 § 8, eff. June 10, 2010; 2008 c 200 § 6, eff. June 12, 2008; 2007 c 197 § 5, eff. July 22, 2007; 2006 c 209 § 8, eff. July 1, 2006; 2005 c 274 § 413, eff. July 1, 2006.]

Notes of Decisions (5)

West's RCWA 42.56.330, WA ST 42.56.330

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42.56.335. Public utility districts and municipally owned electrical..., WA ST 42.56.335

West's Revised Code of Washington Annotated Title 42. Public Officers and Agencies (Refs & Annos) Chapter 42.56. Public Records Act (Refs & Annos)
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West's RCWA 42.56.335

42.56.335. Public utility districts and municipally owned electrical
utilities--Restrictions on access by law enforcement authorities

Effective: July 22, 2007
Currentness

A law enforcement authority may not request inspection or copying of records of any person who belongs to a public utility district or a municipally owned electrical utility unless the authority provides the public utility district or municipally owned electrical utility with a written statement in which the authority states that it suspects that the particular person to whom the records pertain has committed a crime and the authority has a reasonable belief that the records could determine or help determine whether the suspicion might be true. Information obtained in violation of this section is inadmissible in any criminal proceeding.

Credits

[2007 c 197 § 6, eff. July 22, 2007.]

West's RCWA 42.56.335, WA ST 42.56.335
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42.56.340. Timeshare, condominium, etc. owner lists, WA ST 42.56.340

West's Revised Code of Washington Annotated Title 42. Public Officers and Agencies (Refs & Annos) Chapter 42.56. Public Records Act (Refs & Annos)
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West's RCWA 42.56.340

42.56.340. Timeshare, condominium, etc. owner lists

Effective: July 1, 2006

Currentness

Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department are exempt from disclosure under this chapter.

Credits

[2005 c 274 § 414, eff. July 1, 2006.]

West's RCWA 42.56.340, WA ST 42.56.340

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42.56.350. Health professionals, WA ST 42.56.350

West's Revised Code of Washington Annotated Title 42. Public Officers and Agencies (Refs & Annos) Chapter 42.56. Public Records Act (Refs & Annos)
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West's RCWA 42.56.350

42.56.350. Health professionals

Effective: July 1, 2006

Currentness

(1) The federal social security number of individuals governed under chapter 18.130 RCW maintained in the files of the department of health is exempt from disclosure under this chapter. The exemption in this section does not apply to requests made directly to the department from federal, state, and local agencies of government, and national and state licensing, credentialing, investigatory, disciplinary, and examination organizations.

(2) The current residential address and current residential telephone number of a health care provider governed under chapter 18.130 RCW maintained in the files of the department are exempt from disclosure under this chapter, if the provider requests that this information be withheld from public inspection and copying, and provides to the department of health an accurate alternate or business address and business telephone number. The current residential address and residential telephone number of a health care provider governed under RCW 18.130.040 maintained in the files of the department of health shall automatically be withheld from public inspection and copying unless the provider specifically requests the information be released, and except as provided for under RCW 42.56.070(9).

Credits

[2005 c 274 § 415, eff. July 1, 2006.]

West's RCWA 42.56.350, WA ST 42.56.350

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42.56.360. Health care, WA ST 42.56.360

West's Revised Code of Washington Annotated Title 42. Public Officers and Agencies (Refs & Annos) Chapter 42.56. Public Records Act (Refs & Annos)
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West's RCWA 42.56.360

42.56.360. Health care

Effective: June 12, 2014
Currentness

(1) The following health care information is exempt from disclosure under this chapter:

(a) Information obtained by the pharmacy quality assurance commission as provided in RCW 69.45.090;

(b) Information obtained by the pharmacy quality assurance commission or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420;

(c) Information and documents created specifically for, and collected and maintained by a quality improvement committee under RCW 43.70.510, 70.230.080, or 70.41.200, or by a peer review committee under RCW 4.24.250, or by a quality assurance committee pursuant to RCW 74.42.640 or 18.20.390, or by a hospital, as defined in RCW 43.70.056, for reporting of health care-associated infections under RCW 43.70.056, a notification of an incident under RCW 70.56.040(5), and reports regarding adverse events under RCW 70.56.020(2)(b), regardless of which agency is in possession of the information and documents;

(d)(i) Proprietary financial and commercial information that the submitting entity, with review by the department of health, specifically identifies at the time it is submitted and that is provided to or obtained by the department of health in connection with an application for, or the supervision of, an antitrust exemption sought by the submitting entity under RCW 43.72.310;

(ii) If a request for such information is received, the submitting entity must be notified of the request. Within ten business days of receipt of the notice, the submitting entity shall provide a written statement of the continuing need for confidentiality, which shall be provided to the requester. Upon receipt of such notice, the department of health shall continue to treat information designated under this subsection (1)(d) as exempt from disclosure;

(iii) If the requester initiates an action to compel disclosure under this chapter, the submitting entity must be joined as a party to demonstrate the continuing need for confidentiality;

(e) Records of the entity obtained in an action under RCW 18.71.300 through 18.71.340;

(f) Complaints filed under chapter 18.130 RCW after July 27, 1997, to the extent provided in RCW 18.130.095(1);

(g) Information obtained by the department of health under chapter 70.225 RCW;

42.56.360. Health care, WA ST 42.56.360

- (h) Information collected by the department of health under chapter 70.245 RCW except as provided in RCW 70.245.150;
 - (i) Cardiac and stroke system performance data submitted to national, state, or local data collection systems under RCW 70.168.150(2)(b);
 - (j) All documents, including completed forms, received pursuant to a wellness program under RCW 41.04.362, but not statistical reports that do not identify an individual; and
 - (k) Data and information exempt from disclosure under RCW 43.371.040.
- (2) Chapter 70.02 RCW applies to public inspection and copying of health care information of patients.
- (3)(a) Documents related to infant mortality reviews conducted pursuant to RCW 70.05.170 are exempt from disclosure as provided for in RCW 70.05.170(3).
- (b)(i) If an agency provides copies of public records to another agency that are exempt from public disclosure under this subsection (3), those records remain exempt to the same extent the records were exempt in the possession of the originating entity.
- (ii) For notice purposes only, agencies providing exempt records under this subsection (3) to other agencies may mark any exempt records as "exempt" so that the receiving agency is aware of the exemption, however whether or not a record is marked exempt does not affect whether the record is actually exempt from disclosure.

Credits

[2014 c 223 § 17, eff. June 12, 2014; 2013 c 19 § 47, eff. July 28, 2013. Prior: 2010 c 128 § 3, eff. June 10, 2010; 2010 c 52 § 6, eff. June 10, 2010; prior: 2009 c 1 § 24 (Initiative Measure No. 1000, approved November 4, 2008), effective July 1, 2009; (2009 c 1 § 23 (Initiative Measure No. 1000), approved November 4, 2008) expired July 1, 2009; 2008 c 136 § 5; (2008 c 136 § 4 expired July 1, 2009); prior: 2007 c 273 § 25, eff. July 1, 2009; 2007 c 261 § 4, eff. July 22, 2007; 2007 c 259 § 49, eff. July 22, 2007; prior: 2006 c 209 § 9, eff. July 1, 2006; 2006 c 8 § 112, eff. July 1, 2006; 2005 c 274 § 416, eff. July 1, 2006.]

Notes of Decisions (1)

West's RCWA 42.56.360, WA ST 42.56.360
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42.56.370. Client records of domestic violence programs, or..., WA ST 42.56.370

West's Revised Code of Washington Annotated Title 42. Public Officers and Agencies (Refs & Annos) Chapter 42.56. Public Records Act (Refs & Annos)
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West's RCWA 42.56.370

42.56.370. Client records of domestic violence programs, or community
sexual assault programs or services for underserved populations

Effective: June 7, 2012

Currentness

Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or 70.123.075 or a community sexual assault program or services for underserved populations as defined in RCW 70.125.030 are exempt from disclosure under this chapter.

Credits

[2012 c 29 § 13, eff. June 7, 2012; 2005 c 274 § 417, eff. July 1, 2006.]

West's RCWA 42.56.370, WA ST 42.56.370

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42.56.380. Agriculture and livestock, WA ST 42.56.380

West's Revised Code of Washington Annotated Title 42. Public Officers and Agencies (Refs & Annos) Chapter 42.56. Public Records Act (Refs & Annos)
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West's RCWA 42.56.380

42.56.380. Agriculture and livestock

Effective: June 7, 2012

Currentness

The following information relating to agriculture and livestock is exempt from disclosure under this chapter:

- (1) Business-related information under RCW 15.86.110;
- (2) Information provided under RCW 15.54.362;
- (3) Production or sales records required to determine assessment levels and actual assessment payments to commodity boards and commissions formed under chapters 15.24, 15.26, 15.28, 15.44, 15.65, 15.66, 15.74, 15.88, 15.115, 15.100, 15.89, and 16.67 RCW or required by the department of agriculture to administer these chapters or the department's programs;
- (4) Consignment information contained on phytosanitary certificates issued by the department of agriculture under chapters 15.13, 15.49, and 15.17 RCW or federal phytosanitary certificates issued under 7 C.F.R. 353 through cooperative agreements with the animal and plant health inspection service, United States department of agriculture, or on applications for phytosanitary certification required by the department of agriculture;
- (5) Financial and commercial information and records supplied by persons (a) to the department of agriculture for the purpose of conducting a referendum for the potential establishment of a commodity board or commission; or (b) to the department of agriculture or commodity boards or commissions formed under chapter 15.24, 15.28, 15.44, 15.65, 15.66, 15.74, 15.88, 15.115, 15.100, 15.89, or 16.67 RCW with respect to domestic or export marketing activities or individual producer's production information;
- (6) Information obtained regarding the purchases, sales, or production of an individual American ginseng grower or dealer, except for providing reports to the United States fish and wildlife service under RCW 15.19.080;
- (7) Information collected regarding packers and shippers of fruits and vegetables for the issuance of certificates of compliance under RCW 15.17.140(2) and 15.17.143;
- (8) Financial statements obtained under RCW 16.65.030(1)(d) for the purposes of determining whether or not the applicant meets the minimum net worth requirements to construct or operate a public livestock market;

42.56.380. Agriculture and livestock, WA ST 42.56.380

(9) Information submitted by an individual or business to the department of agriculture under the requirements of chapters 16.36, 16.57, and 43.23 RCW for the purpose of herd inventory management for animal disease traceability. This information includes animal ownership, numbers of animals, locations, contact information, movements of livestock, financial information, the purchase and sale of livestock, account numbers or unique identifiers issued by government to private entities, and information related to livestock disease or injury that would identify an animal, a person, or location. Disclosure to local, state, and federal officials is not public disclosure. This exemption does not affect the disclosure of information used in reportable animal health investigations under chapter 16.36 RCW once they are complete;

(10) Results of testing for animal diseases from samples submitted by or at the direction of the animal owner or his or her designee that can be identified to a particular business or individual;

(11) Records of international livestock importation that can be identified to a particular animal, business, or individual received from the United States department of homeland security or the United States department of agriculture that are not disclosable by the federal agency under federal law including 5 U.S.C. Sec. 552; and

(12) Records related to the entry of prohibited agricultural products imported into Washington state or that had Washington state as a final destination received from the United States department of homeland security or the United States department of agriculture that are not disclosable by the federal agency under federal law including 5 U.S.C. Sec. 552.

Credits

[2012 c 168 § 1, eff. June 7, 2012; 2010 c 128 § 2, eff. June 10, 2010; 2009 c 33 § 37, eff. July 26, 2009; 2007 c 177 § 1, eff. July 22, 2007. Prior: 2006 c 330 § 26, eff. July 1, 2006; 2006 c 75 § 3, eff. July 1, 2006; 2005 c 274 § 418, eff. July 1, 2006.]

West's RCWA 42.56.380, WA ST 42.56.380

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42.56.390. Emergency or transitional housing, WA ST 42.56.390

West's Revised Code of Washington Annotated Title 42. Public Officers and Agencies (Refs & Annos) Chapter 42.56. Public Records Act (Refs & Annos)
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West's RCWA 42.56.390

42.56.390. Emergency or transitional housing

Effective: July 1, 2006

Currentness

Names of individuals residing in emergency or transitional housing that are furnished to the department of revenue or a county assessor in order to substantiate a claim for property tax exemption under RCW 84.36.043 are exempt from disclosure under this chapter.

Credits

[2005 c 274 § 419, eff. July 1, 2006.]

West's RCWA 42.56.390, WA ST 42.56.390

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42.56.400. Insurance and financial institutions (Effective until July..., WA ST 42.56.400

West's Revised Code of Washington Annotated Title 42. Public Officers and Agencies (Refs & Annos) Chapter 42.56. Public Records Act (Refs & Annos)
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West's RCWA 42.56.400

42.56.400. Insurance and financial institutions (*Effective until July 1, 2017*)

Effective: July 28, 2013 to June 30, 2017

Currentness

The following information relating to insurance and financial institutions is exempt from disclosure under this chapter:

- (1) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110;
- (2) Information obtained and exempted or withheld from public inspection by the health care authority under RCW 41.05.026, whether retained by the authority, transferred to another state purchased health care program by the authority, or transferred by the authority to a technical review committee created to facilitate the development, acquisition, or implementation of state purchased health care under chapter 41.05 RCW;
- (3) The names and individual identification data of either all owners or all insureds, or both, received by the insurance commissioner under chapter 48.102 RCW;
- (4) Information provided under RCW 48.30A.045 through 48.30A.060;
- (5) Information provided under RCW 48.05.510 through 48.05.535, 48.43.200 through 48.43.225, 48.44.530 through 48.44.555, and 48.46.600 through 48.46.625;
- (6) Examination reports and information obtained by the department of financial institutions from banks under *RCW 30.04.075, from savings banks under RCW 32.04.220, from savings and loan associations under RCW 33.04.110, from credit unions under RCW 31.12.565, from check cashers and sellers under RCW 31.45.030(3), and from securities brokers and investment advisers under RCW 21.20.100, all of which is confidential and privileged information;
- (7) Information provided to the insurance commissioner under RCW 48.110.040(3);
- (8) Documents, materials, or information obtained by the insurance commissioner under RCW 48.02.065, all of which are confidential and privileged;
- (9) Confidential proprietary and trade secret information provided to the commissioner under RCW 48.31C.020 through 48.31C.050 and 48.31C.070;

42.56.400. Insurance and financial institutions (Effective until July..., WA ST 42.56.400

(10) Data filed under RCW 48.140.020, 48.140.030, 48.140.050, and 7.70.140 that, alone or in combination with any other data, may reveal the identity of a claimant, health care provider, health care facility, insuring entity, or self-insurer involved in a particular claim or a collection of claims. For the purposes of this subsection:

(a) "Claimant" has the same meaning as in RCW 48.140.010(2).

(b) "Health care facility" has the same meaning as in RCW 48.140.010(6).

(c) "Health care provider" has the same meaning as in RCW 48.140.010(7).

(d) "Insuring entity" has the same meaning as in RCW 48.140.010(8).

(e) "Self-insurer" has the same meaning as in RCW 48.140.010(11);

(11) Documents, materials, or information obtained by the insurance commissioner under RCW 48.135.060;

(12) Documents, materials, or information obtained by the insurance commissioner under RCW 48.37.060;

(13) Confidential and privileged documents obtained or produced by the insurance commissioner and identified in RCW 48.37.080;

(14) Documents, materials, or information obtained by the insurance commissioner under RCW 48.37.140;

(15) Documents, materials, or information obtained by the insurance commissioner under RCW 48.17.595;

(16) Documents, materials, or information obtained by the insurance commissioner under RCW 48.102.051(1) and 48.102.140 (3) and (7)(a)(ii);

(17) Documents, materials, or information obtained by the insurance commissioner in the commissioner's capacity as receiver under RCW 48.31.025 and 48.99.017, which are records under the jurisdiction and control of the receivership court. The commissioner is not required to search for, log, produce, or otherwise comply with the public records act for any records that the commissioner obtains under chapters 48.31 and 48.99 RCW in the commissioner's capacity as a receiver, except as directed by the receivership court;

(18) Documents, materials, or information obtained by the insurance commissioner under RCW 48.13.151;

(19) Data, information, and documents provided by a carrier pursuant to section 1, chapter 172, Laws of 2010;

42.56.400. Insurance and financial institutions (Effective until July..., WA ST 42.56.400

(20) Information in a filing of usage-based insurance about the usage-based component of the rate pursuant to RCW 48.19.040(5)(b);

(21) Data, information, and documents, other than those described in RCW 48.02.210(2), that are submitted to the office of the insurance commissioner by an entity providing health care coverage pursuant to RCW 28A.400.275 and 48.02.210; and

(22) Data, information, and documents obtained by the insurance commissioner under RCW 48.29.017; and

(23) Information not subject to public inspection or public disclosure under RCW 48.43.730(5).

Credits

[2013 c 277 § 5, eff. July 28, 2013; 2013 c 65 § 5, eff. July 28, 2013; 2012 2nd sp.s. c 3 § 8, eff. July 11, 2012; 2012 c 222 § 2, eff. June 7, 2012; 2011 c 188 § 21, eff. July 1, 2012. Prior: 2010 c 172 § 2, eff. June 10, 2010; 2010 c 97 § 3, eff. June 10, 2010; 2009 c 104 § 23, eff. July 26, 2009; prior: 2007 c 197 § 7, eff. July 22, 2007; 2007 c 117 § 36, eff. July 1, 2009; 2007 c 82 § 17, eff. July 22, 2007; prior: 2006 c 284 § 17, eff. July 1, 2006; 2006 c 8 § 210, eff. July 1, 2006; 2005 c 274 § 420, eff. July 1, 2006.]

West's RCWA 42.56.400, WA ST 42.56.400

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42.56.403. Property and casualty insurance statements of..., WA ST 42.56.403

West's Revised Code of Washington Annotated Title 42. Public Officers and Agencies (Refs & Annos) Chapter 42.56. Public Records Act (Refs & Annos)
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West's RCWA 42.56.403

42.56.403. Property and casualty insurance statements of actuarial opinion

Effective: December 31, 2007

Currentness

Documents, materials, and information obtained by the insurance commissioner under RCW 48.05.385(2) are confidential and privileged and not subject to public disclosure under this chapter.

Credits

[2006 c 25 § 3, eff. Dec. 31, 2007.]

West's RCWA 42.56.403, WA ST 42.56.403

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42.56.410. Employment security department records, certain purposes, WA ST 42.56.410

West's Revised Code of Washington Annotated Title 42. Public Officers and Agencies (Refs & Annos) Chapter 42.56. Public Records Act (Refs & Annos)
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West's RCWA 42.56.410

42.56.410. Employment security department records, certain purposes

Effective: July 1, 2006

Currentness

Records maintained by the employment security department and subject to chapter 50.13 RCW if provided to another individual or organization for operational, research, or evaluation purposes are exempt from disclosure under this chapter.

Credits

[2005 c 274 § 421, eff. July 1, 2006.]

Notes of Decisions (7)

West's RCWA 42.56.410, WA ST 42.56.410

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42.56.420. Security, WA ST 42.56.420

West's Revised Code of Washington Annotated Title 42. Public Officers and Agencies (Refs & Annos) Chapter 42.56. Public Records Act (Refs & Annos)
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West's RCWA 42.56.420

42.56.420. Security

Effective: September 28, 2013

Currentness

The following information relating to security is exempt from disclosure under this chapter:

(1) Those portions of records assembled, prepared, or maintained to prevent, mitigate, or respond to criminal terrorist acts, which are acts that significantly disrupt the conduct of government or of the general civilian population of the state or the United States and that manifest an extreme indifference to human life, the public disclosure of which would have a substantial likelihood of threatening public safety, consisting of:

(a) Specific and unique vulnerability assessments or specific and unique response or deployment plans, including compiled underlying data collected in preparation of or essential to the assessments, or to the response or deployment plans; and

(b) Records not subject to public disclosure under federal law that are shared by federal or international agencies, and information prepared from national security briefings provided to state or local government officials related to domestic preparedness for acts of terrorism;

(2) Those portions of records containing specific and unique vulnerability assessments or specific and unique emergency and escape response plans at a city, county, or state adult or juvenile correctional facility, or secure facility for persons civilly confined under chapter 71.09 RCW, the public disclosure of which would have a substantial likelihood of threatening the security of a city, county, or state adult or juvenile correctional facility, secure facility for persons civilly confined under chapter 71.09 RCW, or any individual's safety;

(3) Information compiled by school districts or schools in the development of their comprehensive safe school plans under RCW 28A.320.125, to the extent that they identify specific vulnerabilities of school districts and each individual school;

(4) Information regarding the infrastructure and security of computer and telecommunications networks, consisting of security passwords, security access codes and programs, access codes for secure software applications, security and service recovery plans, security risk assessments, and security test results to the extent that they identify specific system vulnerabilities, and other such information the release of which may increase risk to the confidentiality, integrity, or availability of agency security, information technology infrastructure, or assets; and

(5) The system security and emergency preparedness plan required under RCW 35.21.228, 35A.21.300, 36.01.210, 36.57.120, 36.57A.170, and 81.112.180.

42.56.420. Security, WA ST 42.56.420

Credits

[2013 2nd sp.s. c 33 § 9, eff. Sept. 28, 2013; 2009 c 67 § 1, eff. July 26, 2009; 2005 c 274 § 422, eff. July 1, 2006.]

West's RCWA 42.56.420, WA ST 42.56.420

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42.56.430. Fish and wildlife, WA ST 42.56.430

West's Revised Code of Washington Annotated
Title 42. Public Officers and Agencies (Refs & Annos)
Chapter 42.56. Public Records Act (Refs & Annos)

West's RCWA 42.56.430

42.56.430. Fish and wildlife

Effective: June 12, 2008
Currentness

The following information relating to fish and wildlife is exempt from disclosure under this chapter:

(1) Commercial fishing catch data from logbooks required to be provided to the department of fish and wildlife under RCW 77.12.047, when the data identifies specific catch location, timing, or methodology and the release of which would result in unfair competitive disadvantage to the commercial fisher providing the catch data, however, this information may be released to government agencies concerned with the management of fish and wildlife resources;

(2) Sensitive fish and wildlife data. Sensitive fish and wildlife data may be released to the following entities and their agents for fish, wildlife, land management purposes, or scientific research needs: Government agencies, public utilities, and accredited colleges and universities. Sensitive fish and wildlife data may be released to tribal governments. Sensitive fish and wildlife data may also be released to the owner, lessee, or right-of-way or easement holder of the private land to which the data pertains. The release of sensitive fish and wildlife data may be subject to a confidentiality agreement, except upon release of sensitive fish and wildlife data to the owner, lessee, or right-of-way or easement holder of private land who initially provided the data. Sensitive fish and wildlife data does not include data related to reports of predatory wildlife as specified in RCW 77.12.885. Sensitive fish and wildlife data must meet at least one of the following criteria of this subsection as applied by the department of fish and wildlife:

(a) The nesting sites or specific locations of endangered species designated under RCW 77.12.020, or threatened or sensitive species classified by rule of the department of fish and wildlife;

(b) Radio frequencies used in, or locational data generated by, telemetry studies; or

(c) Other location data that could compromise the viability of a specific fish or wildlife population, and where at least one of the following criteria are met:

(i) The species has a known commercial or black market value;

(ii) There is a history of malicious take of that species and the species behavior or ecology renders it especially vulnerable;

(iii) There is a known demand to visit, take, or disturb the species; or

42.56.430. Fish and wildlife, WA ST 42.56.430

(iv) The species has an extremely limited distribution and concentration;

(3) The personally identifying information of persons who acquire recreational licenses under RCW 77.32.010 or commercial licenses under chapter 77.65 or 77.70 RCW, except name, address of contact used by the department, and type of license, endorsement, or tag; however, the department of fish and wildlife may disclose personally identifying information to:

(a) Government agencies concerned with the management of fish and wildlife resources;

(b) The department of social and health services, child support division, and to the department of licensing in order to implement RCW 77.32.014 and 46.20.291; and

(c) Law enforcement agencies for the purpose of firearm possession enforcement under RCW 9.41.040; and

(4) Information that the department of fish and wildlife has received or accessed but may not disclose due to confidentiality requirements in the Magnuson-Stevens fishery conservation and management reauthorization act of 2006 (16 U.S.C. Sec. 1861(h)(3) and (i), and Sec. 1881a(b)).

Credits

[2008 c 252 § 1, eff. June 12, 2008; 2007 c 293 § 1, eff. July 22, 2007; 2005 c 274 § 423, eff. July 1, 2006.]

West's RCWA 42.56.430, WA ST 42.56.430

Current with all 2014 Legislation

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42.56.440. Veterans' discharge papers--Exceptions, WA ST 42.56.440

West's Revised Code of Washington Annotated Title 42. Public Officers and Agencies (Refs & Annos) Chapter 42.56. Public Records Act (Refs & Annos)
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West's RCWA 42.56.440

42.56.440. Veterans' discharge papers--Exceptions

Effective: July 1, 2006

Currentness

(1) Discharge papers of a veteran of the armed forces of the United States filed at the office of the county auditor before July 1, 2002, that have not been commingled with other recorded documents are exempt from disclosure under this chapter. These records will be available only to the veteran, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding that veteran's general power of attorney, or to anyone else designated in writing by that veteran to receive the records.

(2) Discharge papers of a veteran of the armed forces of the United States filed at the office of the county auditor before July 1, 2002, that have been commingled with other records are exempt from disclosure under this chapter, if the veteran has recorded a "request for exemption from public disclosure of discharge papers" with the county auditor. If such a request has been recorded, these records may be released only to the veteran filing the papers, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding the veteran's general power of attorney, or anyone else designated in writing by the veteran to receive the records.

(3) Discharge papers of a veteran filed at the office of the county auditor after June 30, 2002, are not public records, but will be available only to the veteran, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding the veteran's general power of attorney, or anyone else designated in writing by the veteran to receive the records.

(4) For the purposes of this section, next of kin of deceased veterans have the same rights to full access to the record. Next of kin are the veteran's widow or widower who has not remarried, son, daughter, father, mother, brother, and sister.

Credits

[2005 c 274 § 424, eff. July 1, 2006.]

West's RCWA 42.56.440, WA ST 42.56.440

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42.56.450. Check cashers and sellers licensing applications, WA ST 42.56.450

West's Revised Code of Washington Annotated Title 42. Public Officers and Agencies (Refs & Annos) Chapter 42.56. Public Records Act (Refs & Annos)
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West's RCWA 42.56.450

42.56.450. Check cashers and sellers licensing applications

Effective: July 1, 2006

Currentness

Information in an application for licensing or a small loan endorsement under chapter 31.45 RCW regarding the personal residential address, telephone number of the applicant, or financial statement is exempt from disclosure under this chapter.

Credits

[2005 c 274 § 425, eff. July 1, 2006.]

West's RCWA 42.56.450, WA ST 42.56.450

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42.56.460. Fireworks, WA ST 42.56.460

West's Revised Code of Washington Annotated Title 42. Public Officers and Agencies (Refs & Annos) Chapter 42.56. Public Records Act (Refs & Annos)
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West's RCWA 42.56.460

42.56.460. Fireworks

Effective: July 1, 2006

Currentness

All records obtained and all reports produced as required by state fireworks law, chapter 70.77 RCW, are exempt from disclosure under this chapter.

Credits

[2005 c 274 § 426, eff. July 1, 2006.]

West's RCWA 42.56.460, WA ST 42.56.460

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42.56.470. Correctional industries workers, WA ST 42.56.470

West's Revised Code of Washington Annotated Title 42. Public Officers and Agencies (Refs & Annos) Chapter 42.56. Public Records Act (Refs & Annos)
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West's RCWA 42.56.470

42.56.470. Correctional industries workers

Effective: July 1, 2006

Currentness

All records, documents, data, and other materials obtained under the requirements of RCW 72.09.115 from an existing correctional industries class I work program participant or an applicant for a proposed new or expanded class I correctional industries work program are exempt from public disclosure under this chapter.

Credits

[2005 c 274 § 427, eff. July 1, 2006.]

West's RCWA 42.56.470, WA ST 42.56.470

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42.56.480. Inactive programs, WA ST 42.56.480

West's Revised Code of Washington Annotated Title 42. Public Officers and Agencies (Refs & Annos) Chapter 42.56. Public Records Act (Refs & Annos)
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West's RCWA 42.56.480

42.56.480. Inactive programs

Effective: July 1, 2006

Currentness

Information relating to the following programs and reports, which have no ongoing activity, is exempt from disclosure under this chapter:

- (1) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under *RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter;
- (2) Personal information in files maintained in a database created under **RCW 43.07.360; and
- (3) Data collected by the department of social and health services for the reports required by section 8, chapter 231, Laws of 2003, except as compiled in the aggregate and reported to the senate and house of representatives.

Credits

[2005 c 274 § 428, eff. July 1, 2006.]

West's RCWA 42.56.480, WA ST 42.56.480

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42.56.565. Inspection or copying by persons serving criminal..., WA ST 42.56.565

West's Revised Code of Washington Annotated Title 42. Public Officers and Agencies (Refs & Annos) Chapter 42.56. Public Records Act (Refs & Annos)
--

West's RCWA 42.56.565

42.56.565. Inspection or copying by persons serving criminal sentences--Injunction

Effective: July 22, 2011

Currentness

(1) A court shall not award penalties under RCW 42.56.550(4) to a person who was serving a criminal sentence in a state, local, or privately operated correctional facility on the date the request for public records was made, unless the court finds that the agency acted in bad faith in denying the person the opportunity to inspect or copy a public record.

(2) The inspection or copying of any nonexempt public record by persons serving criminal sentences in state, local, or privately operated correctional facilities may be enjoined pursuant to this section.

(a) The injunction may be requested by: (i) An agency or its representative; (ii) a person named in the record or his or her representative; or (iii) a person to whom the requests specifically pertains or his or her representative.

(b) The request must be filed in: (i) The superior court in which the movant resides; or (ii) the superior court in the county in which the record is maintained.

(c) In order to issue an injunction, the court must find that:

(i) The request was made to harass or intimidate the agency or its employees;

(ii) Fulfilling the request would likely threaten the security of correctional facilities;

(iii) Fulfilling the request would likely threaten the safety or security of staff, inmates, family members of staff, family members of other inmates, or any other person; or

(iv) Fulfilling the request may assist criminal activity.

(3) In deciding whether to enjoin a request under subsection (2) of this section, the court may consider all relevant factors including, but not limited to:

(a) Other requests by the requestor;

42.56.565. Inspection or copying by persons serving criminal..., WA ST 42.56.565

- (b) The type of record or records sought;
 - (c) Statements offered by the requestor concerning the purpose for the request;
 - (d) Whether disclosure of the requested records would likely harm any person or vital government interest;
 - (e) Whether the request seeks a significant and burdensome number of documents;
 - (f) The impact of disclosure on correctional facility security and order, the safety or security of correctional facility staff, inmates, or others; and
 - (g) The deterrence of criminal activity.
- (4) The motion proceeding described in this section shall be a summary proceeding based on affidavits or declarations, unless the court orders otherwise. Upon a showing by a preponderance of the evidence, the court may enjoin all or any part of a request or requests. Based on the evidence, the court may also enjoin, for a period of time the court deems reasonable, future requests by:
- (a) The same requestor; or
 - (b) An entity owned or controlled in whole or in part by the same requestor.
- (5) An agency shall not be liable for penalties under RCW 42.56.550(4) for any period during which an order under this section is in effect, including during an appeal of an order under this section, regardless of the outcome of the appeal.

Credits

[2011 c 300 § 1, eff. July 22, 2011; 2009 c 10 § 1, eff. March 20, 2009.]

Notes of Decisions (36)

West's RCWA 42.56.565, WA ST 42.56.565

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42.56.600. Mediation communications, WA ST 42.56.600

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West's RCWA 42.56.600

42.56.600. Mediation communications

Effective: July 1, 2006

Currentness

Records of mediation communications that are privileged under chapter 7.07 RCW are exempt from disclosure under this chapter.

Credits

[2006 c 209 § 15, eff. July 1, 2006.]

Notes of Decisions (2)

West's RCWA 42.56.600, WA ST 42.56.600

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42.56.615. Enumeration data used by the office of financial..., WA ST 42.56.615

West's Revised Code of Washington Annotated Title 42. Public Officers and Agencies (Refs & Annos) Chapter 42.56. Public Records Act (Refs & Annos)
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West's RCWA 42.56.615

42.56.615. Enumeration data used by the office of financial management for population estimates

Effective: June 12, 2014

Currentness

Actual enumeration data collected under RCW 35.13.260, 35A.14.700, 36.13.030, and chapter 43.62 RCW shall be used and retained only by the office of financial management and only for the purposes of RCW 35.13.260, 35A.14.700, 36.13.030, and chapter 43.62 RCW. The enumeration data collected is confidential, is exempt from public inspection and copying under this chapter, and in accordance with RCW 43.41.435, must be destroyed after it is used.

Credits

[2014 c 14 § 1, eff. June 12, 2014.]

West's RCWA 42.56.615, WA ST 42.56.615

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